

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:18-cv-196-FDW**

**MICHAEL ODELL FAIR,**

**Plaintiff,**

**vs.**

**BERRY STEVENS,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on Plaintiff's Notice of Motion to Alter/Amend Judgment, (Doc. No. 31), and on Defendant's Motion for Extension of Time to Complete Discovery, (Doc. No. 32).

Plaintiff's Motion to Alter/Amend Judgment addresses the Order granting in part and denying Defendant's motion to compel, in which it also denied Plaintiff's Motions seeking to extend the discovery deadline and to stay these proceedings. (Doc. No. 29). Plaintiff's Motion will be granted insofar as North Carolina Prisoner Legal Services ("NCPLS") will be appointed to assist Plaintiff with discovery. See 3:19-mc-60. Plaintiff's request for an extension of time will be granted insofar as an Amended Pretrial Order and Case Management Plan will be entered. To the extent that Plaintiff seeks additional relief, it is denied.


Defendant seeks an extension of time from August 7, 2019 to August 21, 2019. Defendant previously filed a motion to take Plaintiff's deposition at Warren Correctional Institution which was granted. (Doc. Nos. 23, 24). Defendant sent Plaintiff a notice of deposition and drove to the correctional institution but Plaintiff refused to participate. Defendant then filed a motion for an order compelling Plaintiff to participate in the deposition which was granted. (Doc. Nos. 25, 29).

Counsel for Defendant has scheduled a deposition for August 15 and requests an extension of time to accommodate that deposition. Defendant's Motion is moot, as the Court has appointed NCPLS to assist Plaintiff with discovery and a new Pretrial Order and Case Management Plan will be entered.

**IT IS, THEREFORE, ORDERED** that:

1. Plaintiff's Notice of Motion to Alter/Amend Judgment, (Doc. No. 31), is **GRANTED** in part and **DENIED** in part as stated in this Order.
2. Defendant's Motion for Extension of Time to Complete Discovery, (Doc. No. 32), is **DENIED** as moot.
3. The Clerk of Court is instructed to notify NCPLS that it has been appointed to assist Plaintiff with discovery in accordance with 3:19-mc-60.

Signed: August 7, 2019

  
Frank D. Whitney  
Chief United States District Judge 